

AMENDED IN ASSEMBLY APRIL 25, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 980**

**Introduced by Assembly Member Umberg**

February 18, 2005

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An act to add Article 4 (commencing with Section 345) to Chapter 5 of Part 1 of Division 2 of the Military and Veterans Code, relating to the state militia.

LEGISLATIVE COUNSEL'S DIGEST

AB 980, as amended, Umberg. California militia: disability benefits.

Existing law provides for specified benefits and compensation for any officer or enlisted member of the National Guard, the organized militia when not in the active service of the state, or the unorganized militia when called into the active service of the state.

~~This bill would additionally provide disability benefits to any officer or enlisted member of the National Guard, the state militia, the organized militia when not in the active service of the state, or the unorganized militia when called into the active service of the state, that is injured in combat in an amount equal to those benefits received by regular military personnel~~ *require the Military Department to determine the difference between the amount of disability benefits to which an officer, warrant officer, or enlisted member of the California National Guard, the organized militia, or the unorganized militia, as specified, who is injured, wounded, or disabled in the line of duty, as specified, is entitled to receive from the federal government and the amount of disability benefits that comparably ranked and injured regular military personnel would receive. If the Military Department determines that the amount of disability benefits that regular military*

*personnel would receive are greater than the amount of disability benefits that the officers, warrant officers, or enlisted members would receive, this bill would require that department, upon an appropriation of funds by the Legislature for this purpose, to provide to those officers, warrant officers, or enlisted members an amount equal to the difference between those 2 amounts.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. It is the intent of the Legislature to ensure that  
2 all California National Guard reservists and military personnel,  
3 when called into ~~active service of the state, will federal active~~  
4 *status*, receive the same military combat disability compensation  
5 that is provided to ~~all~~ regular active military service personnel  
6 that are injured in combat.

7 SEC. 2. Article 4 (commencing with Section 345) is added to  
8 Chapter 5 of Part 1 of Division 2 of the Military and Veterans  
9 Code, to read:

10  
11 Article 4. State Militia Disability Equality Act  
12

13 345. This article shall be known and may be cited as the State  
14 Militia Disability Equality Act.

15 ~~346. Any officer, warrant officer, or enlisted member of the~~  
16 ~~California National Guard, the organized militia when not in~~  
17 ~~active service in this state, or the unorganized militia, when~~  
18 ~~called into the active service of the state pursuant to Sections~~  
19 ~~142, 143, or 146, shall be retained on active duty and shall be~~  
20 ~~entitled to, and eligible for, disability benefits equal to those~~  
21 ~~provided to regular active officers, warrant officers, or enlisted~~  
22 ~~members of the California National Guard, the organized militia,~~  
23 ~~or the unorganized militia of the same or equivalent rank.~~

24 346. (a) *When any officer, warrant officer, or enlisted*  
25 *member of the California National Guard, the organized militia,*  
26 *when not in active service in this state, or the unorganized militia*  
27 *is wounded, injured, or disabled in the line of duty when*  
28 *performing military duty of any nature under Title 10 or Title 32*

1 of the United States Code, the Military Department shall  
2 determine both of the following amounts:

3 (1) The amount of disability benefits to which a member of the  
4 United States Armed Forces of the same or equivalent rank  
5 would be entitled from the federal government as a result of a  
6 comparable wound, injury, or disability.

7 (2) The amount of disability benefits to which the officer,  
8 warrant officer, or enlisted member is entitled from the federal  
9 government as a result of the wound, injury, or disability.

10 (b) If the Military Department determines that the amount  
11 described in paragraph (1) of subdivision (a) is greater than the  
12 amount described in paragraph (2) of subdivision (a), that  
13 department shall, upon an appropriation of funds to the  
14 department by the Legislature for this purpose, provide to the  
15 officer, warrant officer, or enlisted member an amount equal to  
16 the difference between those two amounts.